

**CHAPTER NO. 693**

**SENATE BILL NO. 2255**

**By Cooper**

**Substituted for: House Bill No. 2511**

**By Briley**

AN ACT To amend Tennessee Code Annotated, Title 50, Chapter 6 and Title 50, Chapter 9, relative to drug-free workplace programs.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 50, Chapter 9, Part 1, is amended by adding the following language as a new, appropriately designated section as indicated:

Section 50-9-114. The state or any local government, including departments, divisions, or agencies thereof, shall include within any bid or procurement specifications for construction services the following information:

(a) A statement as to whether the governmental entity issuing a construction service bid or other procurement specification operates a drug-free workplace program as certified under this chapter or operates any other programs which provide for testing of employees for workplace use of drugs or alcohol; and

(b) If operating such a program, a statement which describes the government entity's drug-free workplace and/or alcohol and drug testing program; and

(c) A statement that all bidders or proposals for construction services are required to submit an affidavit as part of their bid, that attests that such bidder operates a drug-free workplace program or other drug or alcohol testing program with requirements at least as stringent as that of the program operated by the governmental entity.

( ) Unless suit is filed in chancery court, employers shall have seven (7) calendar days to contest a contract entered into by employers subject to the provisions of this section with a local government or state government. Employers that do not contest such contracts within seven (7) calendar days by filing suit in chancery court shall waive their rights to challenge such contracts for violating the provisions of this section. Such contracts shall be contested in chancery court in the county where the contract was entered. The trial of the alleged violation of the provisions of this section shall be expedited by giving it priority over all cases on the trial docket, except workers' compensation cases.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

**PASSED: April 24, 2002**

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

**APPROVED this 1<sup>st</sup> day of May 2002**

  
DON SUNDQUIST, GOVERNOR